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A REVIEW OF THE WORK OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

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On 14 June 1990, **Mr. Moctar Cissé, Secretary, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Centre for Human Rights, Geneva,** gave a review on the work of the above-mentioned committee.

Structure and function

Mr. Cissé began by explaining the structure and the functions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In recent years, the role and activities of the Sub-Commission have received considerable attention throughout the world, Mr. Cissé said. **The Sub-Commission is one of the principal organs of the Commission on Human Rights and was established in 1947.** It was given the task to undertake studies -- particularly in the light of the Universal Declaration of Human Rights --and to make recommendations to the Commission for Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities. The Sub-Commission may be asked to perform other tasks initiated by the Economic and Social Council (ECOSOC) or the Commission for Human Rights. In 1967, the Sub-Commission was also asked to give attention to any situation which it believed to be a gross violation of human rights.

The Sub-Commission was originally composed of twelve members. In recent years, however, the membership has increased to 26 members, Mr. Cissé said. These are composed of six seats for African countries, six for Asian countries, four for Latin American countries, six for Western European and three for Eastern European countries. Each member has a single alternate which is elected simultaneously with the expert. The Sub-Commission meets once a year and its sessions are held at Geneva.

Since its establishment, the Sub-Commission has held 41 sessions. In 1986, however, due to the financial crisis of the United Nations, the session of the Sub-Commission was cancelled.

Since the terms of the members were due to expire the next year, ECOSOC decided to extend the term of the members and to postpone the next elections until 1988.

Members are elected every four years, half of them every two years. The session is attended by observing state members as well as observers from non-member states, United Nations bodies and specialized agencies, liberation movements and non-governmental organizations in consultative status with ECOSOC. Prior to its regular session, **the Sub-Commission has three working groups assisting it in its tasks.**

Working Group on Communications

The first one, the Working Group on Communications, was authorized by ECOSOC in 1978. Its purpose is to bring to the Sub-Commission's attention appeals of consistent patterns of gross violations of human rights.

Working Group on Indigenous Populations

The Working Group on Indigenous Populations was set up in 1982. The function of this group is to review the development pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations and to give special attention to the evolution of standards concerning human rights, Mr. Cissé said. This working group is unique in its character within the United Nations system because it is open to all indigenous representatives. In addition, working groups who do not have consultative status with ECOSOC also attend its sessions.

Working Group on Contemporary Forms of Slavery

The working group on slavery, which is now called the Working Group on Contemporary Forms of Slavery, was established in 1974. Its task is to review annually the developments in the field of slavery and slave trades, in all their practices and manifestations, including apartheid, colonialism, coercive prostitution and the unlawful traffic of persons.

In-session Working Groups

According to Mr. Cissé, the Sub-Commission also established in-session working groups to assist it in its task and to help the Sub-Commission to tackle certain questions which would be too lenthy to address within the four-week sessions.

Among these in-session working groups is **the Working Group on Detention**, which was set up to draft a declaration on unacknowledged detention and to examine the questions relating to the administration of justice of the human rights of detainees.

In the past, such groups included the working group on the rights of people detained on the ground of mental health, or the working group on traditional practices affecting the health of women and children.

This year, the Sub-Commission will establish a working group to assist it in discharging its responsibilities in dealing with violations of human rights. It will be composed of five members and open to all other members of the Sub-Commission. Another working group this year will be concerned with preparing a revised draft on the rights of everyone to leave one's country and to return to it.

Vote by secret ballot

Cases of human rights violations presented by observers are discussed publicly. However, communications on cases of violations of human rights--including the replies received by the Secretary-General or by the Centre for Human Rights--are transmitted first to the Sub-Commission's Working Group on Communications before being transmitted to the Sub-Commission for review in a private session.

Last year's session marked the first time that voting by secret ballot was introduced in the Sub-Commission, Mr. Cissé said. This was done upon the proposal by one of the members who felt that it would ensure the independence of individuals in their voting.

Recent issues dealt with by the Sub-Commission

Last year, the Sub-Commission took action on draft resolutions relating to violations of human rights in South Africa, the Occupied Territories, China, Lebanon, Guatemala, El Salvador, Iraq and Syria, Mr. Cissé said.

Other tasks of the Sub-Commission include reviews of questions such as:

* the status of the individual and contemporary international law
* the administration of justice
* the independence of the judiciary
* human rights and states of emergency
* administrative detentions and disappearances
* compensations for victims of human rights violations
* the privatization of prisons
* human rights of young detainees
* the death penalty for people under 18
* the use of force and the right to fair trial
* protection of journalists
* discrimination against people with AIDS
* economic obstacles affecting the realization of human rights
* the protection of the environment and human rights

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In conclusion, Mr. Cissé said that the sessions of the Sub-Commission attract wide attention because the nature of questions dealt with by a body of independent experts is carefully watched by outsiders. **Unlike the Commission on Human Rights which is composed of government members, the Sub-Commission's membership is composed of experts who are independently working in their own capacity,** Mr. Cissé said.